

United States Court of Appeals
For the Eighth Circuit

No. 13-3262

Jerry Lee Hawkins

Plaintiff - Appellant

v.

Lt. Steven Glover, Hempstead County Detention Center; Captain Johnny Godbolt,
Hempstead County Detention Center; Dr. Joan McLean, HCDF Doctor; Captain
Louise Phillips, Jail Administrator

Defendants - Appellees

Appeal from United States District Court
for the Western District of Arkansas - Texarkana

Submitted: October 24, 2014
Filed: October 30, 2014
[Unpublished]

Before WOLLMAN, BYE, and SMITH, Circuit Judges.

PER CURIAM.

Inmate Jerry Hawkins appeals the order the district court¹ entered following an evidentiary hearing in his 42 U.S.C. § 1983 action; nominal damages were awarded against one defendant and the claims against the remaining defendants were dismissed. The evidentiary hearing amounted to a bench trial—at which the court could determine witness credibility, and decide disputed facts—because Hawkins did not timely request a jury trial. See Hartsfield v. Colburn, 491 F.3d 394, 395-96 (8th Cir. 2007); Darst-Webbe Tenant Ass’n Bd. v. St. Louis Hous. Auth., 339 F.3d 702, 710-11 (8th Cir. 2003) (in appeal from civil bench trial, this court reviews trial court’s findings of fact for clear error and conclusions of law de novo). We find no basis, and Hawkins offers none,² for reversing the district court’s disposition of his claims. See Scott v. Benson, 742 F.3d 335, 339-40 (8th Cir. 2014) (discussing deliberate-indifference standard, which requires mental state akin to criminal recklessness; mere difference of opinion over course of treatment or matters of expert medical judgment does not amount to constitutional violation); see also Jackson v. Nixon, 747 F.3d 537, 543 (8th Cir. 2014) (supervisory liability under § 1983). The judgment of the district court is affirmed.

¹The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas, adopting the report and recommendations of the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas.

²We do not address the new matters Hawkins raises in his opening and reply briefs, see Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004); or those he has waived, see Jenkins v. Winter, 540 F.3d 742, 751 (8th Cir. 2008).